

April 20, 2023

VIA ECF

Honorable Zahid N. Quraishi
United States District Judge
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: *Niewenhuis v. Kendall, et al.*,
Civil Action No. 3:21-cv-20513-ZNQ-DEA

Dear Judge Quraishi:

On behalf of all parties in the above-captioned action, we write in response to the Court's Text Order dated April 19, 2023 (Dkt. No. 21) to report that the parties have met and conferred and have agreed that the case be dismissed with prejudice as to Plaintiff.

The parties' agreement is set forth in the proposed Stipulation of Voluntary Dismissal which is being submitted herewith.

We respectfully request that the Court "So Order" the Stipulation and, as provided therein, direct the Clerk to close the case on the Docket.

Respectfully submitted,

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S. Scibetta*

Enclosures

cc: All counsel via ECF

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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LOREEN NIEWENHUIS, Derivatively on Behalf of	:	
Nominal Defendant AQUESTIVE THERAPEUTICS,	:	
INC.,	:	Case No. 3:21-cv-20513(ZNQ)(DEA)
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
KEITH J. KENDALL, JOHN T. MAXWELL, DANIEL	:	
BARBER, DOUGLAS K. BRATTON, GREGORY B.	:	
BROWN, JOHN COCHRAN, SANTO COSTA,	:	
NANCY S. LURKER and JAMES S. SCIBETTA	:	
	:	
Defendants,	:	
	:	
and	:	
	:	
AQUESTIVE THERAPEUTICS, INC.,	:	
	:	
Nominal Defendant.	:	
	:	
-----X		

STIPULATION OF VOLUNTARY DISMISSAL

WHEREAS, Plaintiff Loreen Niewenhuis (“Plaintiff”) commenced this shareholder derivative action on December 15, 2021 (“Shareholder Derivative Action” or “action”), purportedly on behalf of Nominal Defendant Aquestive Therapeutics, Inc. against Defendants Keith J. Kendall, Daniel Barber, Douglas K. Bratton, Gregory B. Brown, John Cochran, Santo Costa, Nancy S. Lurker and James S. Scibetta (collectively, together with Aquestive Therapeutics, Inc., “Defendants”);

WHEREAS, this Shareholder Derivative Action was preceded by a putative securities class action that was filed on March 1, 2021, against Defendants Aquestive Therapeutics, Inc., Keith J. Kendall and John T. Maxwell, captioned *Lewakowski v. Aquestive Therapeutics, Inc.* (D.N.J. No. 3:21-cv-03751-ZNQ-DEA) (the “Securities Action”);

WHEREAS, this Shareholder Derivative Action was designated as being related to the Securities Action (Dkt. No. 1);

WHEREAS, on April 4, 2022, Plaintiff filed an Amended Complaint (the “Complaint”) in this action (Dkt. No. 11);

WHEREAS, on April 25, 2022, Defendants filed a motion to dismiss the Complaint in this action (Dkt. Nos. 12 & 13);

WHEREAS, on March 14, 2023, the Court entered an order dismissing the complaint in the Securities Action without prejudice (Securities Action, Dkt. No. 41);

WHEREAS, the plaintiffs in the Securities Action have determined not to file an amended complaint and agreed to the dismissal of the Securities Action with prejudice (Securities Action, Dkt. No. 42);

WHEREAS, pursuant to a stipulation entered into by the parties to the Securities Action and So-Ordered on April 10, 2023, the Securities Action has been dismissed with prejudice and the Clerk has closed the case (Securities Action, Dkt. No. 43);

WHEREAS, on April 19, 2023, this Court ordered that in light of the dismissal with prejudice entered in the related Securities Action, the parties in this action must meet and confer and submit a joint letter by no later than May 3, 2023 advising as to how they wish to proceed in this action, and further instructed the Clerk’s Office to administratively terminate Defendants’ motions to dismiss without prejudice to Defendants’ right to renew their motions by submitting an appropriate letter request (Dkt. No. 21);

WHEREAS, Plaintiff has agreed to dismiss this Shareholder Derivative Action as to Plaintiff with prejudice;

WHEREAS, the parties have agreed to bear their own costs and fees; and

WHEREAS, for the avoidance of doubt, no compensation in any form has passed directly or indirectly to Plaintiff or her attorneys and no promise, understanding, or agreement to give any such compensation has been made.

IT IS HEREBY STIPULATED AND AGREED, by and through the undersigned attorneys for the respective parties, and subject to the Court's approval, that this action shall be dismissed pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, all claims therein are dismissed as to Plaintiff with prejudice, and the Clerk is directed to close the case on the Docket. Each party bears its own costs and fees.

IT IS SO STIPULATED.

DATED: April 20, 2023

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Santo J. Costa, Nancy S. Lurker and James
S. Scibetta*

IT IS SO ORDERED.

Dated: April 21, 2023

s/Zahid N. Quraishi
HON. ZAHID N. QURAISHI
UNITED STATES DISTRICT JUDGE